

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Case No. 15-51474

ADRIANA PAVON-THOMPSON,

Chapter 7

Debtor.

Judge Thomas J. Tucker

ORDER DENYING MOTION TO REOPEN BANKRUPTCY CASE

This case is before the Court on the motion by Joseph Lubeski (the “Creditor”) entitled “Ex Parte Motion [to] Reopen Bankruptcy Case to Pursue Adversary Proceeding,” filed on April 25, 2017 (Docket # 27, the “Motion”). The Court will deny the Motion, because the Motion fails to demonstrate cause to reopen this bankruptcy case under 11 U.S.C. § 350(b).

The Motion states that the Creditor wishes to file an adversary proceeding, but the Motion is not specific enough, in describing the contemplated adversary proceeding and the relief the creditor wishes to seek in such an adversary proceeding, to demonstrate that there is cause to reopen this bankruptcy case.

This Chapter 7 bankruptcy case was closed more than a year ago, on April 1, 2016. The Debtor obtained a discharge in this case on January 7, 2016 (Docket # 25). On the one hand, if the debt claimed by the Creditor arose *after* the bankruptcy petition was filed in this case on July 31, 2015, then the debt allegedly owing to the Creditor was not discharged, and no relief from this bankruptcy court is necessary or appropriate. On the other hand, if the debt arose *before* the July 31, 2015 petition date, the debt was discharged, unless one of the exceptions to discharge under 11 U.S.C. § 523(a) applies. And in order to seek a determination that any pre-petition debt is not dischargeable under any provision of 11 U.S.C. §§ 523(a)(2), 523(a)(4), or 523(a)(6), the Creditor was required to file an adversary proceeding no later than November 9, 2015.

If the Creditor claims that an exception to discharge applies, and that he is not time-barred from seeking a determination of such nondischargeability, Creditor may file a new motion to reopen this case, and describe in such new motion what exception(s) to discharge apply and why, and why he is not time-barred from filing a nondischargeability adversary proceeding. If such a new motion is filed, the Court will further consider whether to reopen this case.

For these reasons,

IT IS ORDERED that the Motion (Docket # 27) is denied.

Signed on April 26, 2017

/s/ Thomas J. Tucker

Thomas J. Tucker

United States Bankruptcy Judge